

IN RE: PETITION FOR ZONING VARIANCE
 N/S Lennings Lane, 4' W of the
 c/l of Crestview Garth
 (8912-B Lennings Lane)
 14th Election District
 6th Councilmanic District

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-464-A

Luigi DiCocco, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 24 feet in lieu of the required 35 feet for a proposed dwelling and to amend the final development plan in accordance with Petitioner's Exhibit 1.

The Petitioners, by Luigi DiCocco, appeared, testified and were represented by S. Eric DiNenna, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 8912-B Lennings Lane, consists of 1.52 acres zoned D.R. 5.5 and is presently unimproved. Petitioners are desirous of developing the property with a single family dwelling as depicted in Petitioner's Exhibit 1. However, due to the narrow width and unique shape of the lot, the property cannot be developed without the requested variance. Said property is 636 feet deep, but is only 100 feet wide. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the

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 Date 4/19/90
 By [Signature]

subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of June, 1990 that the Petition for Zoning Variance to permit a side yard setback of 24 feet in lieu of the required 35 feet for a proposed dwelling and to amend the final development plan in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
 Zoning Commissioner for Baltimore County

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 Date 4/19/90
 By [Signature]

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 897-3333

June 1, 1990



Dennis F. Rasmussen
 County Executive

S. Eric DiNenna, Esquire
 409 Washington Avenue, Suite 600
 Towson, Maryland 21284

RE: PETITION FOR ZONING VARIANCE
 N/S Lennings Lane, 4' W of the c/l of Crestview Garth
 (8912-B Lennings Lane)
 14th Election District - 6th Councilmanic District
 Luigi DiCocco, et ux - Petitioners
 Case No. 90-464-A

Dear Mr. Dinenna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Redcliffe at 897-3391.

Very truly yours,
 J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:bjs
 cc: People's Counsel
 File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-464-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.2.A and 11.B.5.A of C.M.O.P. to permit a side yard setback of 24 feet in lieu of the required 35 feet setback and to amend the final development plan.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

MAP N654
 E.S.
 E.D. 19-14
 DATE 4/19/90
 200
 1000
 DP S-Z-C

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____ Legal Owner(s): _____
 (Type or Print Name) (Type or Print Name)
 Signature: _____ Signature: _____
 Address: _____ Address: _____
 City and State: _____ City and State: _____
 Attorney for Petitioner: _____
 (Type or Print Name) Address: _____ Phone No. _____
 Signature: _____ City and State: _____
 Address: _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State: _____ Name: _____
 Attorney's Telephone No.: _____ Address: _____ Phone No. _____

ORDER RECEIVED FOR FILING
 Date 4/19/90
 By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of April 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 31st day of May, 1990, at 2:30 o'clock P.M.

ATTEST: LENGTH OF HEARING 1/100 +102.
 Zoning Commissioner of Baltimore County
 ALL [Signature]
 REVIEWED BY: CAM DATE 28 April 90
 * 720 4308
 ERIC HA
 ERIC (SON)

ZONING DESCRIPTION

90-464-A

Beginning at a point on the north side of Lennings Lane which is 50 feet wide at the distance of _____ west of the center line of the nearest improved intersecting street; Crestview Garth which is 50 feet wide. As recorded in Deed Liber EHK Jr. #5893 Folio 925.

N 40 31' 00" W 835.03 ft., N 49 03' 00" E 100ft.
 S 40 31' 00" E 636 ft., S 49 03' 00" E 88 ft.
 S 40 31' 00" E 199.7 ft., S 49 03' 00" E 12 ft. to place of beginning. As recorded in Baltimore County Plat Book EHK Jr. #55, Folio #50, containing 66,000 sq. ft. or 1.52 acres.

Also known as 8912-B Lennings Lane and located in the 14th Election District of Baltimore County, Maryland.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 14th Date of Posting: 5/14/90
 Posted for: Variance
 Petitioner: Luigi DiCocco, et ux
 Location of property: N/S Lennings Lane, 4' W of Crestview Garth, 8912-B Lennings Lane
 Location of Signs: Facing Lennings Lane, across 6' to 10' by, etc. property of Petitioner
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 5/15/90
 Number of Signs: 1

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21284 on the following:
 Petition for Zoning Variance Case number: 90-464-A N/S Lennings Lane, 4' W of c/l of Crestview Garth 8912-B Lennings Lane 14th Election District 6th Councilmanic District Petitioner: Luigi DiCocco, et ux Hearing Date: Thursday, May 31, 1990 at 2:30 p.m.
 Verbatim: To permit a side yard setback of 24 feet in lieu of the required 35 feet setback and to amend the final development plan.
 In the event that this Petition is granted, a building permit may be issued within the sixty (60) day period. The Zoning Commissioner will, however, determine any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 MJS007 May 3

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 2, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zabe Orlov
 Publisher

PO 104507

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 8, 1990
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 2, 1990.

THE JEFFERSONIAN

S. Zabe Orlov
 Publisher

receipt

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R-001-6150
 Number: 1912

Date: 3/28/90 H900337

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (1RL)	1 X	\$35.00
TOTAL:		\$35.00
LAST NAME OF OWNER: DICOCO		

Cashier Validation: _____
 Please make checks payable to: Baltimore County

receipt

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

Account: R-001-6150
 Number: 2634

Date: 5/31/90 H9000870

PUBLIC HEARING FEES	QTY	PRICE
010 - POSTING SIGNS / ADVERTISING 1	X	\$105.46
TOTAL:		\$105.46
LAST NAME OF OWNER: DICOCO		

Cashier Validation: _____
 Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 5/15/90



Dennis F. Rasmussen
County Executive

Mr. Luigi DiCocco
1308 Beatty Avenue
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 90-464-A
N/S Lenning Lane, 4 ft. W of c/l of Crestview Garth
8912-B Lenning Lane
14th Election District - 8th Councilmanic
Petitioner(s): Luigi DiCocco, et ux
HEARING: THURSDAY, MAY 31, 1990 at 2:30 p.m.

Dear Petitioner:

Please be advised that \$105.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 16, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-464-A
N/S Lenning Lane, 4 ft. W of c/l of Crestview Garth
8912-B Lenning Lane
14th Election District - 8th Councilmanic
Petitioner(s): Luigi DiCocco, et ux
HEARING: THURSDAY, MAY 31, 1990 at 2:30 p.m.

Variance: To permit a side yard setback of 24 feet in lieu of the required 35 feet setback and the amend the Final Development Plan.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Petitioners

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 15, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Luigi DiCocco
1308 Beatty Avenue
Baltimore, MD 21237

RE: Item No. 337, Case No. 90-464-A
Petitioner: Luigi DiCocco
Petition for Zoning Variance

Dear Mr. & Mrs. DiCocco:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 18th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Luigi DiCocco, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 19, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Luigi DiCocco, Item No. 337

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 324, 329, 330, 331, 334, 335, 336, 337, 339, 340, 341, and 342.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lvw

RECEIVED
APR 16 1990

ZONING OFFICE

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaleski, Jr.
Director

APRIL 9, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LUIGI DICOCO
Location: #8912-B LENNING LANE
Item No.: 337 Zoning Agenda: APRIL 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 600 feet of dwelling in accordance with Baltimore County Standards as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Fanhandle roads shall be in accordance with Baltimore County Council Bill #172-89.

REVIEWER: *Pat Keller* 4-9-90 Noted and Approved
Fire Prevention Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

RECEIVED
APR 11 1990

ZONING OFFICE
Mr. Luigi DiCocco
1308 Beatty Avenue
Baltimore, Md. 21237
(301) 866-8705

Mr. Robert Haines
Zoning Commissioner
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Dear Sir:

I am writing to you concerning the ninety day waiting period for zoning. Reference folio #H9000337, receipt #1912.

I have recently been presented with a contract for my present home, however, I will not be able to accept it because my home to be built would not be finished in time for my family to move in relation to the ninety day waiting period for zoning.

Along with this setback comes the possibility of the potential buyers to cancel the proposal.

It would be greatly appreciated and my family would be indebted to you if you could find a way to expedite the hearing date so that I may begin building my home and be in compliance with the contract presented to me.

Thank you for valuable time spent in this matter.

CC: Councilman Bill Evans

Luigi DiCocco
4-6-90

Luigi DiCocco
1308 Beatty Ave.
Baltimore, Md. 21237

April 3, 1990

Robert Haines
Zoning Commissioner Rm. 109
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Sir:

I am writing to you concerning the ninety day waiting period for zoning (#9000337). # 337 (KATE)

I was recently presented with a contract for my present house, but won't be able to accept it because my house to be built would not be finished in time for my family to move in related to the ninety day waiting period for zoning.

I would greatly appreciate it if you would review the zoning at an earlier date so that I may start building and be in compliance with the contract presented to me.

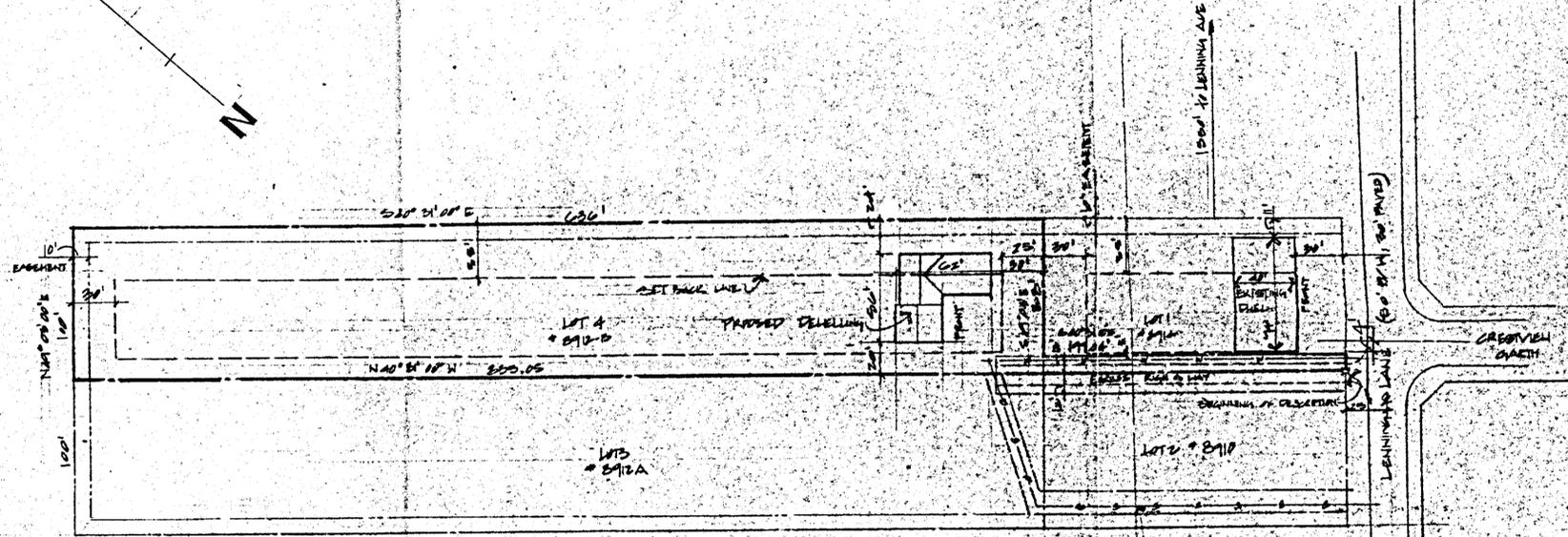
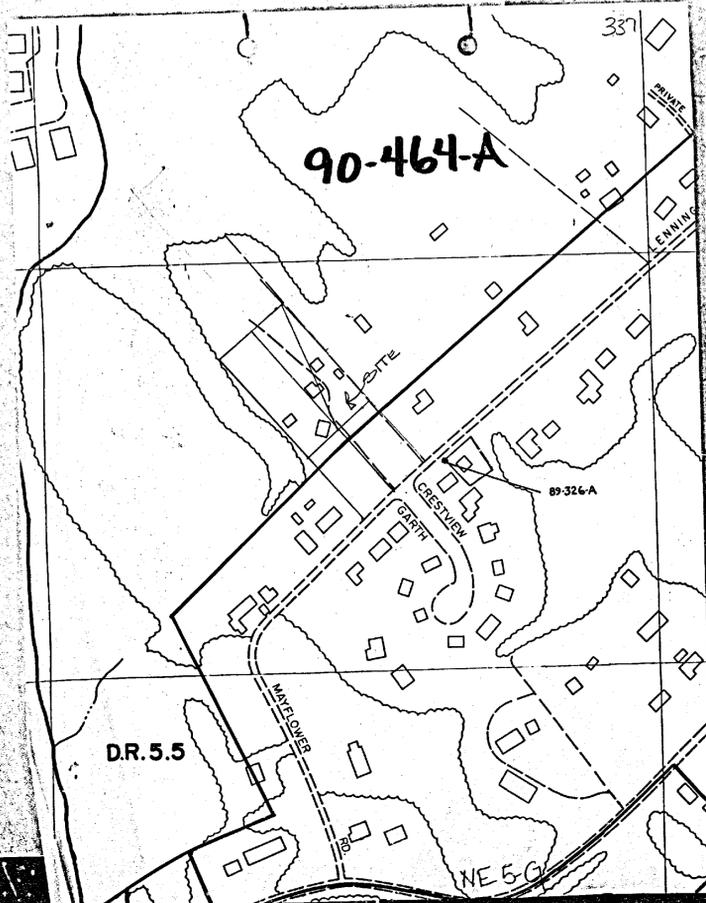
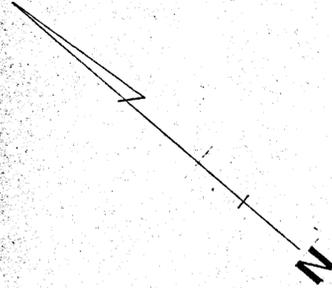
Thank-You for your valuable time spent in this matter.

Luigi DiCocco

Received
17
Due

RECEIVED
APR 4 1990

ZONING OFFICE



PLAT FOR ZONING VARIANCE
OWNER: LUIGI DICOCO
DISTRICT: 14 ZONED DR. 5.5
TITLE: EHK JR. 8910-B
MAP: 89 122
EXISTING PUBLIC UTILITIES (PER DEVELOPMENT PLAN)
IN LENNOX LAINE
LOT SIZE: 6600 SQ. FT. 1.03 ACRES
LIBER: EHK JR. 8910-B PLW 925
(PLAT 8910-B EHK JR. 89 122 PLW 50)

PETITIONER'S
EXHIBIT 1

90-464-A

